United Nations CCPR/C/SR.2773

International Covenant on Civil and Political Rights

Distr.: General
26 May 2011

Original: English

Human Rights Committee

101st session

Summary record (partial)[a] of the 2773rd meeting

Held at Headquarters, New York, on Monday, 14 March 2011, at 10 a.m.

Temporary Chairperson: Mr. Simonović (Representative of the Secretary-General)
Chairperson: Ms Majodina

Contents

Expression of sympathy in connection with the recent earthquake and tsunami in Japan

Opening of the session by the representative of the Secretary-General

Solemn declaration by the newly elected members of the Committee in accordance with article 38 of the Covenant

Election of the Chairperson and other officers of the Committee

Adoption of the agenda

Organizational and other matters

[a] No summary record was prepared for the rest of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

11-26145 (E)

Please recycle

The meeting was called to order at 10.20 a.m.

Expression of sympathy in connection with the recent earthquake and tsunami in Japan

1. **The Temporary Chairperson** expressed sympathy to the Government of Japan in connection with the recent earthquake and tsunami in that country.

Opening of the session by the representative of the Secretary-General

2. **The Temporary Chairperson** said that since assuming his functions as Assistant Secretary-General for Human Rights in July 2010, the New York Office of the Office of the High Commissioner for Human Rights (OHCHR) had been restructured and strengthened through the establishment of teams dedicated to human rights issues, country-specific issues, external relations and outreach, and intergovernmental affairs. The New York Office was also working to strengthen ties between New York, Geneva and the field.

3. A number of important developments had taken place since the Committee's last session. Following the High Commissioner's call in 2009 for the initiation of a process of reflection on ways to strengthen the treaty body system, three major documents had been adopted: the Dublin Statement on the Process of Strengthening of the United Nations Human Rights Treaty Body System, the Marrakech statement on strengthening the relationship between national human rights institutions and the human rights treaty bodies system, and the Poznan statement on the reform of the United Nations human rights treaty body system. A meeting of the Working Group on Follow-up to Concluding Observations, Inquiries, Visits and Decisions of the inter-committee meeting of human rights treaty bodies, held in Geneva from 12 to 14 January 2011, had focused on the follow-up procedures relating to concluding observations, decisions on communications, visits and inquiries, including an assessment of their effectiveness; the points of agreement decided at that meeting would be transmitted to the twelfth inter-committee meeting, to be held in June 2011. Consultations with States parties, to which the chairs of all treaty bodies would be invited, were scheduled for 12 and 13 May in Sion, Switzerland. Further consultations between United Nations institutions and civil society were planned for later in the year, as was a meeting in Dublin to close the consultative process.

4. Since the day of consultations held in October 2010, the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Rights of the Child (CRC) and the Committee on the Elimination of Racial Discrimination (CERD) had taken part in similar exchanges. The objective of such consultations was to provide treaty bodies with the opportunity to discuss in advance the topics to be considered at the twelfth inter-committee meeting and to create a forum for discussing the strengthening of working methods. The High Commissioner welcomed the commitment expressed by all chairs to advance the treaty body strengthening process.

5. The General Assembly, at its sixty-fifth session, had adopted a number of resolutions to address the backlog of States parties' reports and individual complaints. Moreover, the Secretary-General had been requested to submit concrete, tailored proposals on the human rights treaty bodies, including the Human Rights Committee, to improve their effectiveness and better manage their workload.

6. The Open-ended Working Group of the Human Rights Council on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure had adopted a draft optional protocol in February 2011. The draft would be placed before the Human Rights Council for formal adoption in June 2011 and before the General Assembly for approval at its sixty-sixth session.

7. Guinea-Bissau had ratified the Covenant on 1 November 2010 without reservations, bringing the total number of States parties to 167. Kyrgyzstan had ratified the Second Optional Protocol to the Covenant on 6 December 2010, bringing to 73 the total number of States parties to the Protocol.

8. OHCHR continued to note the concerns of the treaty bodies with regard to servicing. The Office worked closely with all the relevant units of the United Nations Office at Geneva to ensure that the highest possible level of servicing was provided to the treaty bodies. However, the demands on the conference servicing units in Geneva had grown significantly in recent years without the requisite increase in resources. OHCHR and the chairs of treaty bodies had worked to draw the attention of the General Assembly to the need

for additional human resources for any request for additional meeting time or new treaty-based requirements.

9. For its part, the Office was working to streamline procedures across all the treaty bodies and had begun discussions with the translation services and other units to identify the most efficient use of the limited resources available to them and to the Office. He understood that States parties also struggled to produce focused reports and noted the ongoing discussion on the structure and length of concluding observations within the inter-committee meeting. He looked forward to receiving feedback about the Committee's experience with the new optional reporting procedure involving focused reports based on replies to lists of issues prior to reporting, which had the potential to enhance the quality of States parties' reports and deepen the understanding of key challenges, thus facilitating more targeted reports and concluding observations.

10. OHCHR had made great strides with regard to staffing for the treaty bodies, including by providing a strengthened core team to service the Committee. During the current session, the Committee would consider four periodic reports as well as the country situation in Seychelles in the absence of a report. The Committee's country report task forces would adopt lists of issues on the periodic reports of the Islamic Republic of Iran, the Dominican Republic, Norway and Yemen, as well as a list of issues in respect of Malawi, a State party whose initial report was long overdue. In addition, the Committee would consider a large number of communications and the progress report submitted by the Special Rapporteur for follow-up on Views, and would begin the second reading of its draft general comment No. 34 on article 19 of the Covenant.

11. OHCHR had organized an expert workshop for Europe on the prohibition of incitement to national, racial or religious hatred in Vienna on 9 and 10 February 2011. It was the first in a series of workshops which aimed to achieve a better understanding of relevant legislative patterns, judicial practices and policies throughout the world; to discuss the state of implementation of the prohibition of incitement to hatred in conformity with international standards; and to identify possible actions at all levels. The first workshop had been well attended, with around 100 participants, including one Committee member; a report on the discussions was forthcoming. The next workshop would take place in Nairobi on 6 and 7 April 2011 for the African region; Ms. Majodina would participate in the event.

Solemn declaration by the newly elected members of the Committee in accordance with article 38 of the Covenant

12. *At the invitation of the Temporary Chairperson, the new members of the Committee — Mr. Flinterman, Mr. Neuman and Ms. Waterval — solemnly undertook to discharge their duties impartially and conscientiously, in accordance with article 38 of the Covenant and rule 16 of the Committee's rules of procedure.*

Election of the Chairperson and other officers of the Committee

13. **Mr. Bouzid** nominated Ms. Majodina for the office of Chairperson.

14. **Mr. Thelin**, **Ms. Chanet** and **Ms. Motoc** seconded the nomination.

15. *Ms. Majodina was elected Chairperson by acclamation.*

16. *Ms. Majodina (Chairperson) took the Chair.*

17. **The Chairperson** thanked the Committee for the confidence it had placed in her and called for nominations for three Vice-Chairpersons and one Rapporteur to complete the Bureau.

18. **Mr. Rivas Posada** nominated Mr. Iwasawa, Mr. O'Flaherty and Mr. Salvioli as Vice-Chairpersons and Ms. Keller as Rapporteur.

19. **Ms. Motoc** seconded the nominations, but stressed the importance of equitable geographical distribution in such matters, specifically with regard to Eastern Europe, which was often overlooked as a region.

20. **The Chairperson** said she took it that the Committee wished to elect the nominees by acclamation.

21. *It was so decided.*

Adoption of the agenda

22. *The agenda was adopted.*

Organizational and other matters

23. **Mr. Thelin**, speaking as Chairperson/Rapporteur of the Working Group on Communications, said that the Working Group, composed of 10 members of the Committee, had met from 8 to 11 March 2011, at which time he had been elected Chairperson. The Working Group had considered a total of 26 communications, of which one had been deferred, one had been referred directly to the plenary, and two had been left in abeyance owing to a misunderstanding between the Secretariat and the Rapporteur. Of the remaining 22 communications, the Working Group had decided that one should be declared admissible and five, inadmissible, and that the remaining 16 should be dealt with on the merits; of those 16 cases, the Working Group had determined that there had been violations in 12.

24. The Committee must consider ways to address its backlog of some 300 cases, which would only increase in the future. It was necessary to maintain five days of meetings for the Working Group, rather than the four days that had been planned most recently. In addition, the Committee should review its working methods with a view to preventing any miscommunications between the Secretariat and the Rapporteur of the Working Group. One suggestion might be for the Secretariat to set a time limit for rapporteurs to deal with the cases assigned to them. It was important to remember that behind each case there was a human author who had the right to expect an answer from the Committee.

25. **Ms. Chanet** said that she was in favour of maintaining the five-day working period for the Working Group. As for the suggestions made to facilitate consideration of communications, she suggested that the Committee should consider them during its discussion of working methods. Specifically, clarification would be needed as to the procedure proposed for reassigning cases and for ensuring rapporteurs' access to the necessary files.

26. **Ms. Motoc**, stressing that communications were central to the Committee's work, said that the participation of all Committee members in the Working Group on Communications should be encouraged, if the budget allowed it. She suggested scheduling the Working Group meetings for July, which might facilitate the attendance of the Committee members with university commitments and thus avoid quorum-related problems. She welcomed the proposals made regarding the working methods of the Working Group and suggested that Mr. Thelin should submit them in writing for discussion by the Committee under working methods.

27. **Sir Nigel Rodley** said that addressing the backlog was not merely a question of holding an additional day of meetings for the Working Group; indeed, the Secretariat had to be in a position to provide the Working Group with a sufficient number of drafts to consider during its working period. At its most recent series of meetings, the Working Group had been able to discuss all the cases available to it in just four days. It was necessary to appeal to the High Commissioner for Human Rights and other relevant authorities to ensure that sufficient resources were allocated to the Secretariat so that the Committee could begin to tackle its backlog.

28. **Mr. Thelin** said that both Committee members and the Secretariat shared responsibility for the fact that the Working Group had met during the previous week for four days rather than five. Moreover, in October 2010, the Working Group had not been able to carry out its work for lack of a quorum. There were therefore several aspects to address in seeking to improve working methods on communications. Lastly, while the Secretariat did excellent work within its means, it was a fact that additional resources were needed.

The meeting rose at 11.10 a.m.